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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,376	11/03/2003	Sampo J. Kaasila	BIT01-1B-US	5972

7590
EDWARD W. PORTER
24 String Bridge S12
Exeter, NH 03833
06/22/2007

EXAMINER

CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/700,376	Applicant(s) KAASILA ET AL.	
	Examiner Antonio A. Caschera	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-18 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-18 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 32-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>06/14/07</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 365(a).

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract comprises the phrase, "Methods, systems and programming are disclosed..." (see lines 1-2 of the abstract) which can be implied and therefore should not be recited. The Office suggests the following to overcome the objection: "Methods, systems and programming for producing and displaying...." A correction of the abstract is required.

Claim Objections

3. Claims 1, 3-18 and 29-39 are objected to because of the following informalities:
 - a. In reference to claims 1, 3-18 and 29-39, the claims contain "--" and "--" symbols which are incorrectly used (i.e. in numbering of the claims, "--1.") and in the preamble of certain claims (for example see preamble of claim 1, "A method of displaying -- on a subpixel addressable screen having...subpixels --")

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- b. In reference to claims 3 and 6-8, claim 3 is recited as being dependent upon claim 2 however claim 2 is cancelled. The Office assumes that since claim 1 has been rewritten to include all of the claim limitations of claim 2, that claim 3 should be dependent upon claim 1. Note, claims 6-8 depend upon claim 3.
- c. In reference to claims 1, 4 and 29, the phrase, "...on said screen to represent said string, which string bitmap is..." (see lines 37-38 of claim 1, for example) should read, "...on said screen to represent said string, the string bitmap is..."
- d. In reference to claim 30, claim 30 recites, "A method as in Claim 29..." (see line 1 of claim 30) however claim 29 recites, "A computer system for..." The Office requires claim 29 language to be consistent with claim 30 as claim 29 depends upon claim 30.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 4. Claims 1, 3-18 and 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4 and 29 recite the limitation "said subpixel-optimized font images" in line 43 of claim 1, for example. There is insufficient antecedent basis for this limitation in the claims. Note, the claims recite "subpixel-optimized images of character-font shape" however there is no explicit mentioning of "subpixel-optimized font images."

In reference to claims 29 and 30, claim 29 seems to recite language defining two different categories of claims, system/apparatus and computer program/readable-medium (see lines 1-7, wherein the claim discusses system/apparatus type limitations and lines 8+ where the claim then begins to recite computer program instructions, specifically in lines 8-11). The Office believes therefore that the above claims are indefinite as they fail to particularly recite and distinctly claim subject matter which applicant regards as the invention. Further, claims pertaining to the computer graphics art are usually categorized in one of a method/process, system/apparatus and computer program instructions/computer readable medium type. As per the language of claim 29, limitations found in the body of the claim are recited as program instructions which cause one or more processors to perform the recited steps. These instructions, by themselves, are simply data structures and do not define any structural and functional interrelationships between the data structures and other claimed aspects of the invention which permit the data structure's functionality to be realized. The instructions themselves are not computer components nor statutory processes, as they are not "acts" being performed. Hence a computer-readable medium is utilized to encode the instructions thereon and allow the data structures to be functionally realized (see MPEP 2106.01 I). The Office is confused as to what the claims are actually trying to cover, the system/apparatus components that physically perform the invention or instructions for performing the invention. The Office requires modifying the above mentioned claims so that they clearly recite either a system/apparatus type or a computer instructions/program encoded on a computer readable medium type of claim. The following is suggested claim language to form claim 29 into computer program/medium type:

“One or more computer readable memories encoded with computer program instructions causing one or more processors to execute said computer program instructions, causing the one or more processors to:...”

Response to Arguments

5. Applicant's arguments, see page 20, 2nd paragraph of Applicant's Remarks, filed 06/26/06, with respect to the objection of claim 15 have been fully considered and are persuasive. The objection of claim 15 has been withdrawn.

6. Applicant's arguments, see page 20, last paragraph of Applicant's Remarks, filed 06/26/06, with respect to the prior art rejection of claims 1, 3-18 and 29 have been fully considered and are persuasive. The prior art rejections of claims 1, 3-18 and 29 have been withdrawn since previously objected to subject matter has been amended into independent form.

7. Applicant's arguments filed 06/26/06 have been fully considered but they are not persuasive.

In reference to the objection of the abstract, Applicant's arguments (see page 20, 1st paragraph of Applicant's Remarks) are not persuasive and informalities still exist within the abstract (see above objection for a correction).

8. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

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References Cited

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Paul (U.S. Patent 6,384,839 B1)
 - Paul discloses an anti-aliasing method and apparatus for use with a strip color display which provides sub-pixel smoothing to enhance bitmap characters.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac



6/14/07

Antonio Caschera

Patent Examiner



KEE M. TUNG
SUPERVISORY PATENT EXAMINER